



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/608,342 06/29/00 HOOD

G 9008

026890 TM02/1004
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EXAMINER

MORSE, G

ART UNIT

PAPER NUMBER

2167

DATE MAILED:

10/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/608,342

Applicant(s)

Hood

Examiner

Greg Morse

Art Unit

2167



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-65 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over the document "Profitability: Growing the bottom line", 1999. This document describes ways to use the Marquis (R) software to determine the profitability of individual bank customers. From page 24, item 6 shows a profit measurement which includes Net interest revenue (from page 12) and a risk provision (from the matched pool funding), direct expense and indirect expense (institution specific costs), other revenue (institution specific fees). Accordingly, the bank will attempt to match as many expenses and revenues as possible to its customer accounts as possible. The allocation of the claimed costs to specific customer accounts would have been obvious to one of ordinary skill in the art in order to give as accurate as possible a picture of the profitability of each customer.

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Claim 8 states that the expenses are allocate accoring to some unspecified function F(IE)k. The cited document clearly allocates the expenses in some fashion.

Claim 9 and 10 claim that the expense is allocated based on account balances. One of ordinary skill in the art would do so for expenses such as deposit insurance and investment fees.

Claims 11 and 12 claim that the expense is allocated based on the count of customers. One of ordinary skill in the art would do so for expenses such as mailing statements.

Claims 13 and 14 claim that the expense is divided out based on the revenue earned. One of ordinary skill in the art would do so for expenses which are otherwise difficult to allocate in order to minimize the effect of distributing the costs on the profitability result.

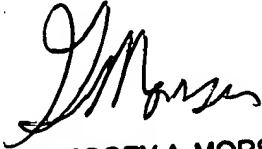
Claims 15-18 claim that the expense is divided based on the count of transactions. One of ordinary skill in the art would do so for expenses such as maintaining a branch with tellers.

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Claims 19-20 claim that the expense is divided out based on Direct expenses. One of ordinary skill in the art would do so for expenses that generally support transactions, such as the costs of operating a branch office.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "How profitability Analysis is used..." is a document of uncertain date (the August 7, 2001 was the date of printing; it is constantly refreshed on the website) but possibly 1995 from the context of the first paragraph.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Morse whose telephone number is (703) 308-4789.


GREGORY A. MORSE
PRIMARY EXAMINER